

BOARD OF ZONING APPEALS

CITY OF MILWAUKEE

REGULAR MEETING – December 12, 2002
City Hall, Common Council Committee Room 301-B

MINUTES

PRESENT:

Chairman: Craig H. Zetley (*voting on items 1-43, 45-65*)

Members: Henry P. Szymanski (*voting on items 1-23,25-27,29-42,44-57,60-65*)
Scott R. Winkler (*voting on items 1-30, 32-52, 54-65*)
Catherine M. Doyle(*voting on items 1-23,25-27,29-42,44-57,60-65*)
Roy B. Nabors (*voting on items 1-30, 33-65*)

Alt. Board Members: Georgia M. Cameron (*voting on items 24,28,31,32,43 44, 53,58,59*)
Donald Jackson (*voting on items 24, 28, 31, 43, 53, 58, 59*)

START TIME: 4:15 p.m.

End Time: 9:23 p.m.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
1	24322 Special Use	William J. Gorton PCS INC.;Prospective Buyer Request to expand the existing motor vehicle pumping station and convenience store to include a car wash.	10801 W. County Line Rd. 15th Dist.
	Action:	Dismissed	
	Motion:	Roy Nabors moved to dismiss the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
2	24296 Special Use	Matthew Taras Property Owner Request to occupy the premise as a motor vehicle repair and sales facility.	5519 W. Vliet Av. 16th Dist.
	Action:	Dismissed	
	Motion:	Roy Nabors moved to dismiss the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
3	24645 Extension of Time	Trina M. Zazueta Property Owner Request for an extension of time to comply with the conditions of Case No. 22000.	3525 W. Vliet St. 16th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
4	24629 Dimensional Variance	RLO Sign, Inc Other Request to construct a illuminated pylon sign on the premises.	272 E. Capitol Dr. A/K/A 250 & 270 E. Capitol Dr. 6th Dist.
	Action:	Dismissed	
	Motion:	Roy Nabors moved to dismiss the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
5	24253 Special Use	Myra J. Holland Property Owner Request to occupy the northwest corner of a vacant lot for seasonal secondhand retail sales(outdoor market).	2100 W. North Av. 7th Dist.
	Action:	Adjourned	
	Motion:	This item has been adjourned at the petitioners request and will be rescheduled at the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
6	24653 Dimensional Variance	Anthony and Paula Barnes Prospective Buyer Request to construct a single-family residential dwelling without the required setbacks.	11025 W. Arch Ct. 15th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land.	
7	24610 Special Use	John F. Saunders Property Owner Request to occupy the premises as a ground transportation facility.	601 S. 93rd St. 16th Dist.
	Action:	Adjourned	
	Motion:	This item has been adjourned at the Ald. request and will be rescheduled at the next available hearing.	
8	24571 Special Use	Silver Spring Church Of God Property Owner Request to occupy a portion of the premises as a day care center for 60 children ages 4wks-12yrs, Monday-Friday 6:00am-6:00pm.	7333 W. Silver Spring Dr. A/K/A 7329 W. Silver Spring Dr. 2nd Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
9	24555 Use Variance	3123 Marietta LLC Property Owner Request to construct a garage addition without the required setback.	3123 N. Marietta Av. A/K/A 3123-33 N. Marietta Ave. 3rd Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	
10	24602 Special Use	Ken Leinbach Lessee Request to construct a community center on a the premises.	1500 E. Park Pl. A/K/A 2753 N. Bartlett Ave. 3rd Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	
11	24597 Dimensional Variance	Barton G. Siebring Property Owner Request to construct an addition to the existing residential dwelling without the required south side setback and lot coverage.	3219 N. Shepard Av. 3rd Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That these Variances are granted to run with the land.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
12	24613 Special Use	Milwaukee County DPW-Facilities Management, John R. Dehli; Property Owner Request to continue occupying the premises as a surface parking lot with hours being increase to 24 hrs.	601-23 W. State St. A/K/A 929 N. 6th St. 4th Dist.
	Action:	Granted 1 yrs.	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Special Use is granted for a period of one (1) year, commencing with the date hereof.	
13	24666 Use Variance	Paul M. Scholl Property Owner Request to continue occupying the premises as a dental office for two dentists.	9211 W. Auer Av. 5th Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	
14	24612 Special Use	Triumph The Church and Kingdom of God In Christ Property Owner Request to occupy the premises as offices for the adjacent church.	2232-34 N. 6th St. 6th Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
15	24632 Special Use	Noah's Ark Preparatory School, Clara M. Wright; Lessee Request to occupy the premises as a day care center (preschool) for 50 children, ages 2 and 3, Monday-Friday, 6 AM to 11:30 PM.	2214 N. Martin L. King Jr. Dr. A/K/A 2200-2218 N. Martin L. King Jr. Dr. 6th Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	
16	24627 Special Use	He Cares Christian Child Care Center II Lessee Request to continue occupying the premises as a day care center for 26 children ages infant to 6 yrs., Monday-Friday 7:00 a.m. to 5:00 p.m.	4634 W. Burleigh St. A/K/A 4616-34 W. Burleigh St. 7th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the parking area at the rear of the site is used by employees. 5. That all parents are notified that parking is not allowed in the bus stop in front of the site. 6. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
17	24607 Special Use	North Bay Fuel LLC., David Cunningham; Property Owner Request to construct a car wash with a queue lane less than 200 ft. to the existing motor vehicle pumping station, repair facility, and accessory retail facility.	6001c N. Teutonia Av. A/K/A 6001-39 N. Teutonia Ave. 9th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That there is no outdoor storage or display of products or merchandise. 5. That there is no outdoor display of banners or other advertising except that which is approved and on the site plan. 6. That any modification of the existing signage must meet the sign standards of s.295-605-5. 7. That this Special Use is granted for a period of time commencing with the date hereof and expiring on June 25, 2011. 	
18	24599 Special Use	United Community Center Property Owner Request to raze the existing structure and construct a social service facility.	1111 S. 6th St. A/K/A 611-17 W. Washington St. & 1109 S 6th St. 12th Dist.
	Action:	Granted 20 yrs.	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Special Use is granted for a period of twenty (20) years, commencing with the date hereof. 	

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19	24654 Special Use	Ignacio Rocha Lessee Request to occupy the premises as a car wash facility. Action: Adjourned Motion: This item was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	1801 W. Forest Home Av. 12th Dist.
20	24601 Special Use	Fast Track, Inc, Larry Petersen; Lessee Request to occupy a portion of the existing motor vehicle repair facility as a car wash with a queue lane less than 200 ft. Action: Granted 10 yrs. Motion: Roy Nabors moved to grant the appeal. Seconded by Scott Winkler. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained. Conditions of Approval: <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That there is no outdoor storage or display of products or merchandise. 5. That there is no outdoor display of banners or other advertising except that which is approved and on the site plan. 6. That any signage changes must meet the requirements of s.295-605-5. 7. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	4296 S. 27th St. 13th Dist.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
21	24641 Dimensional Variance	Nicholas & Diane Jandron Property Owner Request to construct an addition to the existing detached garage.	3744 S. Pine Av. 14th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land.	
22	24650 Use Variance	Towne Terrace, LLC Ann Marie Styza, member; Property Owner Request to construct a two-family townhouse on the premises.	117 S. 76th St. A/K/A 117-19 S. 76th St. 16th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That not more than 4 motor vehicles are parked outdoors per s295- 505-4-b-4 of the city code of ordinances. 5. That this Variance is granted to run with the land.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
23	24661 Special Use	Robert Smith Property Owner Request to occupy the premises as a tavern. Action: Granted 10 yrs. Motion: Roy Nabors moved to grant the appeal. Seconded by Scott Winkler. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained. Conditions of Approval: 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the applicant obtains an occupancy certificate and complies with all State commercial code requirements for places of assembly. 5. That a parking lot layout plan is submitted and approved by the Zoning Administrative Group prior to permits being issued. 6. That the driveway directly in front of the building is closed and restored with curb and gutter. 7. That a revised site plan which includes the parking layout is submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits. 8. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.	906 S. Barclay Av. 12th Dist.
24	23322 Special Use	Wisconsin Correctional Service Stephen B. Swigart, Exec. Director; Lessee Request to occupy 20,000 sq. ft. of the premises as a health clinic. Action: Denied Motion: Scott Winkler moved to deny the appeal. Seconded by Donald Jackson. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained	3716 W. Wisconsin Av. A/K/A 3716-32 W. Wisconsin Av. 16th Dist.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
25	24586 Appeal of an Order	Ryan Clancy Lessee Request to appeal an order of the Department of Neighborhood Services determining the occupancy to be an assembly hall.	422 N. 15th St. A/K/A 1418-30 W. St. Paul Ave. 12th Dist.
	Action:	Dismissed	
	Motion:	Scott Winkler moved to dismiss the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
26	24497 Rehearing request	Jon Bromaghim Property Owner Request to construct a carport to the existing attached garage.	3120 N. Argonne Dr. 5th Dist.
	Action:	Granted	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
27	24177 Use Variance	United States Cellular Lessee Request to replace the existing mono-pole with a new transmission tower attached to the existing structure.	2275 N. Lincoln Memorial Dr. 3rd Dist.
	Action:	Granted 5 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner complies with the conditions of the Historic Preservation Commission. 4. That this Variance is granted for a period of five (5) years, commencing with the date hereof.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
28	24482 Special Use	Payday Loan of Wisconsin, Inc. Prospective Buyer Request to occupy the premises as a payday loan agency.	11414 W. Silver Spring Dr. 15th Dist.
	Action:	Adjourned	
	Motion:	Donald Jackson moved to adjourn this appeal. Seconded by Scott Winkler. Roy Nabors voted against the motion.	
	Vote:	3 Ayes, 1 Nays, 1 C. Zetley Abstained., C. Doyle Recused.	
29	24556 Special Use	David Radovich, Oil Change Plus, Inc.; Lessee Request to continue occupying the premises as a motor vehicle repair facility and motor vehicle supply store.	7440 W. Brown Deer Rd. A/K/A 7500 W. Brown Deer Rd. 15th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That there be no increase in signage. 5. That existing landscaping and screening is maintained in a manner that meets the intent of city code. 6. That all previous conditions of the Board regarding this property are complied with. 7. That this Special Use is granted for a period of five (5) years, commencing with the date hereof.	

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30	24422 Special Use	Ralph W. Sellers Lessee Request to occupy the premises as a second-hand sales facility. Action: Dismissed Motion: Henry Szymanski moved to dismiss the appeal. Seconded by Scott Winkler. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained.	3309 W. National Av. 16th Dist.
31	24272 Special Use	US Cellular Lessee Request to construct a 80' telecommunication tower on the premises. Action: Granted 5 yrs. Motion: Catherine Doyle moved to grant the appeal. Seconded by Henry Szymanski. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained. Conditions of Approval: <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the tower and associated structures be landscaped per the standards of Type 'G' landscaping of ch 295-405-1 of city code. 5. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. 	5225 W. Vliet St. 16th Dist.

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32	24640 Special Use	Lisbon / Community Development, LLC Property Owner Request to construct a fast-food/carry out restaurant on the premises.	4601 W. North Av. A/K/A 4601-03 W. North Ave. 17th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained., R. Nabors Recused.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the petitioner must receive permission from the commissioner of public works to plant within the public right-of way.</p> <p>5. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code.</p> <p>6. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.</p> <p>7. That this Special Use is granted for a period of ten (10) years and the these Variances are granted to run with the land, commencing with the date hereof.</p>	

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33	24639 Special Use	Lias & Lillie Johnson Prospective Buyer Request to occupy the premises as a day care facility for 8 children ages 6wk-12yrs, Monday-Saturday 7:00am-12:00am.	4054 N. 19th Pl. 1st Dist.
	Action:	Granted 3 yrs.	
	Motion:	Catherine Doyle moved to grant the appeal. Seconded by Roy Nabors.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That there be no signage on site relating to the day care. 5. That the outdoor play area is not utilized before (nine) 9 a.m. or after (eight) 8 p.m. 6. That this Special Use is granted for a period of three (3) years, commencing with the date hereof.	
34	24390 Special Use	Roger Sinclair Lessee Request to occupy the premise as a car wash.	4173 N. Green Bay Av. A/K/A 4173-75 N. Green Bay Ave. 1st Dist.
	Action:	Adjourned	
	Motion:	Roy Nabors moved to adjourn the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
35	24446 Special Use	Linda Anthony Linda's Child Care and Growth Center; Property Owner Request to occupy the premises as a day care center for 25 children, ages 6 weeks to 12 years, 6:30 AM to 12:00 AM.	4585 N. 23rd St. 1st Dist.
	Action:	Adjourned	
	Motion:	Roy Nabors moved to adjourn the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
36	24384 Special Use	Byron Allen Artis Lessee Request to continue occupying a portion of the premises as a motor vehicle service facility.	5656 N. 76th St. 2nd Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned by staff and will be rescheduled at the next available hearing.	
37	24593 Special Use	Community Financial Tom Musial; Lessee Request to continue occupying the premises as a currency exchange facility.	7410 W. Capitol Dr. A/K/A 7425 W. Appleton Ave. 2nd Dist.
	Action:	Granted 5 yrs.	
	Motion:	Catherine Doyle moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Special Use is granted for a period of five (5) years, commencing with the date hereof.	

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38	24566 Special Use	Rashinder Lal & Harshinder Bhatia Property Owner	6727 W. Villard Av. 2nd Dist.
		Request to continue occupying the premises as a motor vehicle pumping station and convenience store, Monday-Sunday 5:00am-12:00am.	
	Action:	Granted 2 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Catherine Doyle. Scott Winkler voted against the motion.	
	Vote:	4 Ayes, 1 Nays, 0 Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That there is no outdoor storage or display of products or merchandise. 5. That there is no outdoor display of banners or other advertising except that which is approved and on the site plan. 6. That the petitioner shall maintain landscaping and screening in a manner that meets the intent of city code. 7. That all previous conditions of the Board regarding this property are complied with. 8. That the petitioner take all measures necessary to control litter, loitering and loud noise on the premises, including, but not limited to, hiring private personnel. 9. That there is a fence erected, that meets city code, which restricts access to the lot from the alley. 10. That this Special Use is granted for a period of two (2) years and that these Variances are granted to run with the land, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
39	24550 Special Use	<p>Lisa Lor Property Owner</p> <p>Request to occupy the premises as a day care facility for 8 children ages 6wks-12yrs, Monday-Sunday 6:00am-12:00am.</p> <p>Action: Granted 2 yrs.</p> <p>Motion: Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.</p> <p>Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained.</p> <p>Conditions of Approval:</p> <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That no signage pertaining to the day care exist on site. 5. That the play area not be utilized before 9 a.m. or after 8 p.m. 6. That this Special Use is granted for a period of two (2) years, commencing with the date hereof. 	<p>5900 N. 75th St. 2nd Dist.</p>
40	24562 Special Use	<p>Wilma Collins Property Owner</p> <p>Request to occupy the premises as a day care facility 8 children ages 6wks-12yrs, Monday-Friday 6:00am-6:00pm.</p> <p>Action: Adjourned</p> <p>Motion: This item was adjourned at the request of the petitioner and will be rescheduled at the next available hearing.</p>	<p>4424 N. 68th St. 2nd Dist.</p>

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
41	24558 Dimensional Variance	Bell Therapy/ Bellwood Ltd. Property Owner Request to continue occupying the premises as a community based residential facility for 46 clients.	839 N. 27th St. A/K/A 837-53 N. 27th St. 4th Dist.
	Action:	Adjourned	
	Motion:	This item has been adjourned by staff and will be rescheduled at the next available hearing.	
42	24576 Special Use	626 East LLC Property Owner Request to construct a parking structure on the premises.	730 N. Jackson St. A/K/A 626 E. Wisconsin Ave. 4th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Roy Nabors moved to grant this appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner develops the site according to the revised plans submitted to the Board of Zoning Appeals on November 11, 2002. 5. That signage must meet the signage standards of s.295-407 of the Milwaukee Zoning Code. 6. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
43	24341 Special Use	Title Lenders, Inc. d/d/a USA Payday Loans; Lessee Request to occupy a portion of the premise as a payday loan agency.	714 N. Broadway A/K/A 312 E. Wisconsin Ave. 4th Dist.
	Action:	Adjourned	
	Motion:	Roy Nabors moved to Adjourn the appeal. Seconded by Donald Jackson.	
	Vote:	3 Ayes, 0 Nays, 2 C. Zetley & S. Winkler Abstained. C. Doyle Recused.	
44	24492 Special Use	Mohammed Rashaed & John Nelson Property Owner Request to occupy a portion of the premises(3rd floor) as a rooming house for 3 roomers.	3131 W. Wells St. A/K/A 3125-31 W. Wells 4th Dist.
	Action:	Dismissed	
	Motion:	Georgia Cameron moved to dismiss the appeal. Seconded by Roy Nabors.	
	Vote:	4 Ayes, 0 Nays, 1 S. Winkler Abstained., C Zetley Recused.	
45	24354 Appeal of an Order	Raymond L. Verbanac Property Owner Request to appeal an order of the Department of Neighborhood Services determining the occupancy to be a junkyard.	8905 W. Villard Av. 5th Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of the applicant and will be rescheduled at the next available hearing.	
46	24490 Special Use	Mt. Zion Missionary Baptist Church Lessee Request to occupy the premises as a social service facility(neighborhood resource center).	2222 N. 2nd St. 6th Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of the Ald. and will be rescheduled at the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
47	24530 Use Variance	Bobbie Sims, Bobbie Auto Service and Towing, LLC AKA BAST; Property Owner Request to occupy the premises as a motor vehicle repair and outdoor storage facility. Action: Dismissed Motion: Henry Szymanski moved to dismiss the appeal. Seconded by Catherine Doyle. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained.	2419A W. Fond Du Lac Av. 7th Dist.
48	24529 Special Use	Bobbie Sims Lessee Request to occupy the premises as a motor vehicle repair and storage facility. Action: Dismissed Motion: Henry Szymanski moved to dismiss the appeal. Seconded by Catherine Doyle. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained.	2415 W. Fond Du Lac Av. 7th Dist.
49	24537 Use Variance	Bobbie Sims Property Owner Request to occupy the premises as a parking lot. Action: Dismissed Motion: Henry Szymanski moved to dismiss the appeal. Seconded by Catherine Doyle. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained.	2470 W. Medford Av. 7th Dist.
50	24215 Rehearing request	John Nelson Sims Property Owner Request to continue occupying the premise as a motor vehicle repair center. Action: Granted Motion: Catherine Doyle moved to grant the appeal. Seconded by Scott Winkler. Vote: 3 Ayes, 0 Nays, 2 C. Zetley & R. Nabors Abstained.	2419 W. Fond Du Lac Av. 7th Dist.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
51	24570 Special Use	New Testament Central City Church Property Owner	2324-34 W. Center St. 7th Dist.
		Request to occupy the premises as a parking lot for the adjacent church.	
	Action:	Granted	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That a revised landscape plan that meets the intent of city code section 295-405 for Type 'B' landscaping is submitted to the Board of Zoning Appeals, and approved by the Zoning Administration Group prior to the issuance of any permits.</p> <p>5. That any signage must meet the signage standards of s.295-407 of the Milwaukee Zoning Code.</p> <p>6. That this Special Use is granted for a period of time commencing with the date hereof and expiring on September 14, 2009.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
52	24574 Special Use	Dwayne Toliver Request to occupy the premises as a car wash. Action: Granted 2 yrs. Motion: Scott Winkler moved to grant the appeal. Seconded by Roy Nabors. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained. Conditions of Approval: <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the landscaping and screening plans are submitted which meet the requirements of s. 295-405. 5. That no disabled or unlicensed vehicles or parts are stored outside. 6. That all car washing, drying and detailing activity is confined to inside of the building. 7. That the overhead door remain closed while cars are being serviced. 8. That the petitioner take all measures necessary to control litter, loitering and loud noise on the premises, including, but not limited to, hiring private personnel. 9. That this Special Use is granted for a period of two (2) years, commencing with the date hereof. 	2571 N. 55th St. A/K/A 5514 W. Lisbon Ave. 7th Dist.
53	24288 Dimensional Variance	Patti Jump Property Owner Request to expand the existing 3 unit residential dwelling to a 5 unit residential dwelling. Action: Denied Motion: Henry Szymanski moved to deny the appeal. Seconded by Donald Jackson. Vote: 5 Ayes, 0 Nays, 0 Abstained.	2100-04 S. 32nd St. 8th Dist.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
54	24561 Special Use	<p>MRED Commercial Development Corp. Prospective Buyer</p> <p>Request to raze the existing structure and construct a new general retail facility with a drive thru.</p> <p>Action: Granted 10 yrs.</p> <p>Motion: Scott Winkler moved to grant the appeal. Seconded by Catherine Doyle.</p> <p>Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained.</p> <p>Conditions of Approval:</p> <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code. 2. That a Certified Survey Map dedicating a new alley and either legally tying the out-lot to the principal parcel, or conveying to the abutting property owner is submitted to the Department of City Development, Planning Administration Section, for review and approval. 6. That this Special Use is granted for a period of ten (10) years and that these Variances are granted to run with the land, commencing with the date hereof. 	<p>2410 W. Forest Home Av. A/K/A 2400 W Lincoln Ave. 8th Dist.</p>
55	24617 Special Use	<p>Jennie Patton Lessee</p> <p>Request to occupy the premises as a day care facility for 8 children, 6wks-12yrs, Monday-Friday 7:00am-10:00pm.</p> <p>Action: Adjourned</p> <p>Motion: Roy Nabors moved to adjourn the appeal. Seconded by Scott Winkler.</p> <p>Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained.</p>	<p>3903 W. Thurston Av. 9th Dist.</p>

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
56	24619 Special Use	Emma M. Erdmann Lessee Request to occupy the premises as a motorcycle repair, sales, rental, and parts facility.	7016-20 N. 76th St. 9th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Catherine Doyle moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That there is no outdoor storage of auto part, tires, nuisance vehicles or other junk and debris. 5. That there is no display of exterior banners or other advertising except that which is on the approved sign plan or in the plan of operation. 6. That no disabled vehicles or parts are stored outside. 7. That all repair work is conducted inside of the building. 8. That landscape plans meeting the intent of city code section 295-405 for Type 'A' landscaping are submitted to and approved by the Department of City Development Permit Center prior to the issuance of any permits. 9. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
57	24631 Special Use	Mobi Clean Inc. Paul Kassander; Prospective Buyer Request to occupy the premises as a contractor shop. Action: Granted 10 yrs. Motion: Henry Szymanski moved to grant the appeal. Seconded by Catherine Doyle. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained. Conditions of Approval: 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That there is no outdoor storage of vehicle parts, tires, nuisance vehicles or other junk and debris. 5. That signage must meet the signage standards of s.295-407 of the Milwaukee Zoning Code. 6. That landscape plans are submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits. 7. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.	7312 N. Teutonia Av. 9th Dist.
58	24481 Special Use	Payday Loan of Wisconsin, Inc. Lessee Request to occupy a portion of the premises as a payday loan agency.	6917 W. Brown Deer Rd. A/K/A 6801-6917 W. Brown Deer Rd. 9th Dist.
		Action: Adjourned Motion: Donald Jackson moved to adjourn the appeal. Seconded by Scott Winkler. Roy Nabors voted against the motion. Vote: 3 Ayes, 1 Nays, 1 C. Zetley Abstained. , C. Doyle Recused.	
59	24480 Special Use	Payday Loan Store of Wisconsin, Inc. Prospective Buyer Request to occupy the premises as a payday loan agency.	4235 W. Silver Spring Dr. 9th Dist.
		Action: Adjourned Motion: Donald Jackson moved to adjourn the appeal. Seconded by Scott Winkler. Roy Nabors voted against the motion. Vote: 3 Ayes, 1 Nays, 1 C. Zetley Abstained., C. Doyle Recused.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
60	24538 Special Use	Surjit Singh Toor Prospective Buyer Request to continue occupy the premises as a motor vehicle pumping station and car wash facility with the addition of a general retail sales facility (liquor store).	3565-67 N. Teutonia Av. 10th Dist.
	Action:	Dismissed	
	Motion:	Roy Nabors moved to dismiss the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
61	24458 Special Use	Tamairo Moutry Lessee Request to occupy the premises as a 24hr day care facility for 8 children, 4wks-12yrs, Monday-Saturday.	3370 N. 27th St. A/K/A 3370-72 N. 27th St. 10th Dist.
	Action:	Dismissed	
	Motion:	Roy Nabors moved to dismiss the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
62	24616 Use Variance	The Universal Church, Marcos M. Amaral; Lessee Request to occupy the premises as a church for 49 members.	1576 W. National Av. A/K/A 1574-78 W. National Ave. 12th Dist.
	Action:	Granted 2 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Roy Nabors.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That all current code violations are corrected and the applicant obtains a certificate of occupancy for a church. 5. That the variance is granted for a period of 1 year during which time the petitioner must apply for a zoning change request to the Department of City Development - Planning Administration to change the zoning to local business (LB2). 6. That signage must meet the signage standards of s.295-407 of the Milwaukee Zoning Code. 7. That this Variance is granted for a period of two (2) years, commencing with the date hereof.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
63	24176 Special Use	AH & S Realty/The Peltz Group, Inc. Property Owner Request to modify the previous granted special use #20629 as to hours of operation, from 7 AM to 6 PM (M-F) & 7 AM to 1 PM Saturday for the public office and recycling center, and 24 hours/day, 7 days/week fully enclosed processing facility.	2101 W. Morgan Av. 13th Dist.
	Action:	Adjourned	
	Motion:	Scott Winkler moved to adjourn the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
64	24415 Special Use	Dhillon's Market Inc., Interieet S. Dhillon; Property Owner Request to construct a car wash to the existing motor vehicle pumping station and convenience store.	551-75 W. Becher St. 12th Dist.
	Action:	Denied	
	Motion:	Henry Szymanski moved to deny the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
65	24440 Special Use	Dennis A. Polzin Property Owner Request to continue occupying the premises as a motor vehicle pumping station, convenience store & car wash operating from 6 AM to midnight. Action: Granted 1 yrs. Motion: Henry Szymanski moved to grant the appeal. Seconded by Scott Winkler. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained. Conditions of Approval: 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That there is no outdoor storage or display of products or merchandise. 5. That there is no outdoor display of banners or other advertising except that which is approved and on the site plan. 6. That the car wash not operate before 7:00 A.M. or after 9:00 P.M. 7. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel. 8. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code adopted by the Common Council (file # 991763). 9. That the site's landscaping be upgraded to include the required trees as indicated on the landscape plan submitted to the department of City Development on 9/00. The landscape improvements must be implemented within 60 days of the board's decision weather permitting. 10. That the petitioner shall maintain landscaping and screening in a manner that meets the intent of city code section 295-405. 11. That the northern most phone be removed from the premises. 12. That all equipment associated with the car wash not be utilized after (nine) 9 p.m. 13. That the air compressor on site not be utilized after (nine) 9 p.m. 14. That this Special Use is granted for a period of one (1) year, commencing with the date hereof.	3500-10 W. Lincoln Av. 8th Dist.

<u>Item</u> <u>No.</u>	<u>Case No./</u> <u>Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
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Other Business:

Board member Winkler moved to approve the minutes of the November 14, 2002 meeting. Seconded by Board member Szymanski. Unanimously approved.

The Board set the next meeting for January 23, 2003.

Board member Winkler moved to adjourn the meeting at 9:25 p.m.. Seconded by Board member Doyle. Unanimously approved.

BOARD OF ZONING APPEALS

Secretary of the Board

<u>Item</u> <u>No.</u>	<u>Case No./</u> <u>Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
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